

decisions directly affecting Indian tribes.” As of Aug. 1, 1996, the date of Ickes’s letter, there were at least three Indian matters at DOI in which Ickes had been involved, and each of those matters related to gaming. Those three concerned the Wampanoag Tribe of Massachusetts, the Mashantucket Pequot Tribe of Connecticut, and the Sault Ste. Marie Tribe of Chippewa Indians of Michigan. The facts surrounding these other matters call into question the accuracy of Ickes’s letter to McCain.

- *The Wampanoag Tribe:* The Wampanoag of Gayhead, Mass., wanted Interior to provide its opinion on whether the compact the tribe was in the process of negotiating with the Commonwealth of Massachusetts would be approved by Interior. The Department had expressed serious reservations about the compact because Massachusetts would not be granting the tribe the exclusive right to conduct gaming operations within the Commonwealth, yet would be demanding money from the tribe. States can demand payment from tribes for gaming exclusivity, but are prohibited from taxing tribes. Rep. Barney Frank got Ickes involved in the issue, and Ickes contacted Counselor to the Secretary Duffy and Deputy Secretary Garamendi. Ickes’s call to Interior ultimately led to two meetings at Ickes’s White House office in late 1995 at which DOI Chief of Staff Shields, Leshy, Sibbison and Duffy briefed Ickes and his staff on the issue. Most important, during at least one of those meetings, Ickes did more than simply gathering information. Rather, according to Interior witnesses, Ickes actively expressed his displeasure with Interior’s position and advocated the Wampanoag’s position, ultimately leading the Department to change its view of the compact to a favorable one.<sup>607</sup> At least one DOI official acknowledged the changed stance was due to the pressure applied by Ickes.<sup>608</sup>

- *The Mashantucket Pequot Tribe:* The Pequots are a tribe with only a few hundred members, but one which has come into tremendous wealth due to its successful Foxwoods Casino in Ledyard, Conn. At some point in 1995, the lead Washington lobbyist for the Pequots, Chris McNeil, approached Ickes about the Pequots’ application to take land into trust near the tribe’s casino in order to expand its gaming facilities, which was pending at Interior. Ickes met with McNeil and another tribal representative.

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<sup>607</sup>No final decision by Interior was ultimately required because the gaming project failed for unrelated reasons.

<sup>608</sup>Ickes generally recalled setting up a meeting through the Interior chief of staff on this issue at the request of Rep. Frank, but he recalled neither attending a meeting with DOI officials nor expressing any view on how the matter should be resolved.